XI-1-C-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ..... सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश

Arb. Application No. 10/2007

PETITIONER Bharat Aluminium Company Limited, through : Mr. Nasir Ahmed, Authorized Signatory, PO Balco Township, Korba, District Korba (C.G.)

Versus

RESPONDENT M/s. TOPS Detective and Security Limited, through Mr. Rajiv Sharma, Country Head, having its Corporate Office at Vinay Bhavya Complex, 159, A, B Wing, Fourth Floor, C.S.T. Road, Catena Shanta Crooze (E) Mumbai (Maharashtra State)

13-4-2007

Shri Prashant Jaiswal, Sr. Advocate with Shri Sankalp Jaiswal, Advocate for the applicant.

Heard.

The applicant has preferred this application under Section 11 of the Arbitration and Conciliation Act, 1996 (for short, hereinafter referred to as "the Act") for appointment of arbitrator.

Case of the applicant is that the applicant and the respondent entered into a contract agreement of Annexure P-1 on 2nd July, 2004 for providing service of security personnel of the non-applicant at the factory side of applicant initially for a period of one year commencing from 2nd July, 2004. A dispute arose between the parties with respect to the amount payable to the applicant, as a result of which a claim was raised by the applicant vide their communication dated 9-12-2005 of Annexure P-2. After

XI-HC—78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक Arb. Application No. 10/2007 सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश

receiving the above communication, the respondent vide their reply of Annexure P-3 dated 31-1-2007, instead of settling the claim of the applicant, raised counter claim and requested the applicant to settle their claim within a period of 7 days from the date of receipt of the notice. It was also contemplated that on failure of the applicant to comply with the requisition, they are invoking arbitration clause as contained in aforesaid agreement dated 2nd July 2004 and called upon the petitioner to suggest the name of arbitrator so that the same may be considered by the respondent.

From perusal of the application and correspondences annexed with the application, no cause of action is available to the applicant for filing this application. The application is premature and the same is accordingly dismissed.

Sd/-
Dhirendra Mishra
Judge